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Attorney for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLYDE RAMIREZ,

Defendant.

Case No. A05-0070 CR (RRB)

CLYDE RAMIREZ'S
SENTENCING MEMORANDUM

Defendant, Clyde Ramirez, by and through counsel Michael Dieni, Assistant Federal Defender, requests the sentence of five years set forth by 18 U.S.C. § 924(c), and recommended by AUSA Kevin Feldis and the United States Sentencing Guidelines. In addition, though he cannot get a BOP-generated reduction of sentence, Mr. Ramirez requests a recommendation for the 500 hour residential drug and alcohol program (R-DAP) while incarcerated.

Mr. Ramirez is 20 years of age. He comes from a truly underprivileged setting. His father is in prison; his mother is dead. He grew up poor in a part of

Hawaii swept by the methamphetamines wave. He has been exposed to the drug, off and on, since he was a young teenager.

His actual criminal record consists of two minor misdemeanors.

The current offense is not significantly aggravated. The total amount of drugs in this case found on his person and in the car was only 9.2 grams of a mixture of methamphetamines. Second, the gun found in the car, the basis for this charge, was found by police to be unloaded and it did not have a clip.

These two facts should be added to the PSR. In addition, the PSR should reflect that Mr. Ramirez originally was arrested and held for this conduct on state charges from May 28, 2005, to July 5, 2005. By adding this information, Mr. Ramirez will be properly accorded credit for time served. Mr. Ramirez has explained these issues to Probation Officer Barbara Burton.

On the positive side, it is important to note that Mr. Ramirez is not bitter about this prosecution. At the time of his arrest, the drugs had control of his life. Mr. Ramirez sees this prosecution and the next several years as a chance for him to get the treatment he needs and an opportunity to stay clear of the drugs that have plagued him. Also, he hopes to take advantage of other educational and vocational programming while in jail, and to emerge from jail an employable person.

He has tremendous incentive to be successful. He has requested permission to marry Ms. Boster, who is also quite young. Since this case began, on November 27, 2005, she has given birth to their daughter. Ms. Boster has explained

to undersigned counsel that they remain committed to stay together during Mr. Ramirez's incarceration, and as soon as the jail allows it, they will be married.

Conclusion

Mr. Ramirez requests that the court follow the recommendation of all of the parties, and sentence Mr. Ramirez to the prescribed statutory penalty of five years to serve. Mr. Ramirez requests that the court make the above requested adjustments to the PSR. Finally, he requests a recommendation that he be allowed to participate in residential drug treatment while incarcerated.

DATED this 12th day of January, 2005.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
FOR THE DISTRICT OF ALASKA

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Certification:

I certify that on January 12, 2006, a copy of the foregoing document was served electronically on:

Kevin R. Feldis, Esq.

/s/ Michael D. Dieni